

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking on the Commission's Own Motion to Govern Open Access to Bottleneck Services and Establish a Framework for Network Architecture Development of Dominant Carrier Networks.

Rulemaking 93-04-003
(Filed April 7, 1993)

Investigation on the Commission's Own Motion into Open Access and Network Architecture Development of Dominant Carrier Networks.

Investigation 93-04-002
(Filed April 7 1993)

**(Permanent Line Sharing
Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING ON
MOTIONS TO FILE UNDER SEAL**

Several motions to file information under seal are currently pending in the above-captioned proceeding. These motions include:

- July 24, 2001 motion by Sprint Communications Company L.P. (Sprint) to file two exhibits to the Rebuttal Testimony of James D. Dunbar, Jr. under seal. Sprint requests confidential treatment of the two documents which were obtained from Alcatel USA, Inc. (Alcatel) in the ordinary course of business and about which Sprint believes Alcatel may claim to be confidential and/or proprietary. The two documents are a Planning Guide (dated April, 2001) relating to Litespan Integrated ADSL/G.SHDSL equipment, and a Feature Roadmap for such products (dated February 23, 2001). Sprint believes that such documents are relevant and material to the issues presented in this proceeding, including with respect to

testimony and statements made by, among other parties, Pacific Bell Telephone Company (Pacific) and Alcatel.

- November 29, 2001 motion by Covad Communications Company (Covad) to file Attachments 1-6 and excerpts from Attachments 1-6 in the Motion of Covad Communications Company for an Order Amending Procedural Schedule, Requiring Additional Testimony from Parties on Verizon [Verizon California, Inc.] Issues and Revising the Scope of This Proceeding to Include Fiber-Fed Next Generation Digital Loop Carrier (NGDLC) Issues with Regard to Verizon, under seal. Covad indicates that Verizon produced the documents in response to discovery requests and alleges that each document contains confidential information that is not publicly available.
- January 22, 2002 motion by Joint CLECs¹ to file their Opening Brief under seal. The brief contains excerpts and references to documents produced by Pacific in response to discovery requests that contain allegedly confidential information that is not publicly available. Additionally, the documents contain allegedly confidential material of a third party, Alcatel, and therefore should not be made available as public documents. Pacific and its vendor Alcatel claim that release of these documents would substantially and materially harm their respective relationships with investors and vendors and their competitive and financial positions.
- February 14, 2002 motion by Covad and WorldCom to file their Opposition to Motion of Verizon California Inc. to Defer Consideration of PARTS, xDSL at the Remote Terminal, and Related Issues, Including Discovery on

¹ The Joint CLECs include WorldCom, Inc. (WorldCom), AT&T Communications of California, Inc.(AT&T) and Sprint Communications Company. L.P.

These Issues, which contains excerpted and attached documents of Verizon, under seal. Verizon produced the documents in response to discovery requests and alleges that each document contains confidential information that is not publicly available.

- February 22, 2002 motion by Joint CLCs² to file their Reply Brief under seal. The Reply Brief contains excerpts and references to documents produced by Pacific in response to discovery requests. Pacific alleges that the documents contain confidential information that is not publicly available. Additionally, the documents contain allegedly confidential material of a third party, Alcatel, and therefore should not be made available as public documents. Pacific and its vendor Alcatel claim that release of these documents would substantially and materially harm their respective relationships with investors and vendors and their competitive and financial positions.
- April 4, 2002 motion by Covad to file Attachment C (March 6, 2002 Deposition transcript) to Covad's Opposition to Motions of Verizon California Inc. to Quash Subpoenas *Duces Tecum* for Tony Recine and Persons Most Knowledgeable, and Subpoena *Duces Tecum* for Email Communications of Eight Named Persons (Opposition), under seal. Verizon claims that the material contained in Attachment C to Covad's Opposition is confidential and not publicly available, and refers to confidential documents produced by Verizon in response to data requests. These documents are also not publicly available. Release of such confidential information would allegedly harm Verizon's business position in the telecommunications market.
- May 7, 2002 motion by Covad to file the Motion of Covad Communications Company for Sanctions Against Verizon

² The Joint CLCs in this filing include WorldCom, AT&T and Sprint.

California, Inc. for Misleading the Commission, Failure to Comply with Commission Discovery Orders, and Abuse of the Discovery Process (Motion for Sanctions), under seal. Verizon claims that the material contained in and attached to Covad's Motion for Sanctions is confidential and not publicly available, and refers to confidential documents produced by Verizon in response to data requests. These documents are also not publicly available. Release of such confidential information would allegedly harm Verizon's business position in the telecommunications market.

The information described above, if revealed, would provide business-sensitive data of Pacific and Verizon to their competitors. This could place Pacific and Verizon at an unfair business disadvantage. The information described above, if revealed, would make public business-sensitive data of Alcatel that would harm Alcatel's relationship with investors and vendors. The material for which confidential treatment is requested has been made available to parties pursuant to non-disclosure agreements. We have granted similar requests for confidentiality in the past and will do so here.

Therefore, **IT IS RULED** that:

1. The motions listed in this order to file information under seal are granted for two years from the date of this order. During that period the information shall not be made accessible or disclosed to anyone other than the Commission staff except upon execution of an appropriate non-disclosure agreement with the appropriate entity, or on the further order or ruling of the Commission, the Assigned Commissioner, the Assigned ALJ, or the ALJ then designated as Law and Motion Judge.
2. If any party believes that further protection of the information filed under seal is needed, that party may file a motion stating the justification for further

withholding of the information from public inspection, or for such other relief as the Commission rules may then provide. This motion shall be filed no later than one month before the expiration date of today's protective order.

Dated May 24, 2002, at San Francisco, California.

/s/ KAREN A. JONES

Karen A. Jones
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motions to File Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated May 24, 2002, at San Francisco, California.

/s/ ERLINDA PULMANO

Erlinda Pulmano

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.